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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,355	03/06/2002	Paul Kleinberger	02/23506	2866

7590 07/29/2003

Anthony Castorina
G E Ehrich
Suite 207
2001 Jefferson Davis Highway
Arlington, VA 22202

EXAMINER

FINEMAN, LEE A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,355

Applicant(s)

KLEINBERGER ET AL.

Examiner

Lee Fineman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species and the claims are deemed to correspond to the species are as follows:

I: Figure 1 – Autostereoscopic viewing system with controlled shifting opaque areas in a parallax barrier with two polarizing layers and a birefringent layer and controlled shifting image areas in a display for adapting to viewer's left to right movement – claims 1-3 and 9

II: Figure 2 – Autostereoscopic viewing system with controlled shifting opaque areas in a parallax barrier with two polarizing layers and a birefringent layer and controlled shifting opaque and image areas in a display for adapting to viewer's left to right movement – claims 4-6 and 9

III: Figure 3 – Autostereoscopic viewing system with standard switching opaque areas in a parallax barrier and controlled image areas in a display for adapting to viewer's left to right movement – claims 7-8 and 54

IV: Figure 4 – Autostereoscopic viewing system with a parallax barrier with only a birefringent layer and controlled sizing of image areas in a display for adapting to viewer's forward and backward movement – claims 7-8

V: Figure 5 – Autostereoscopic viewing system with polarizing layers and birefringent layers and controlled image areas in a display for adapting to viewer's forward and backward movement – claims 7-8

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VI: Figure 6 – Autostereoscopic viewing system with polarizing layers and controlled birefringent layers and image areas in a display and a blocking layer for adapting to both a viewer's left to right and forward and backward movement – claims 10-11, 13 and 15

VII: Figure 7 – Autostereoscopic viewing system with polarizing layers and controlled birefringent layers without temporal multiplexing – claims 13-15

VIII: Figure 8 – Autostereoscopic viewing system with beam splitter and two displays – claims 17-19

IX: Figure 9 – Autostereoscopic viewing system with one or two projectors in back projection – claims 20-24, 29 and 34

X: Figure 16 – Autostereoscopic or stereoscopic viewing system with liquid crystal array – claim 12

XI: Figure 17 – Autostereoscopic or stereoscopic viewing system with liquid crystal array and at least one lens element – claim 30

XII: Figure 18 – Autostereoscopic viewing system with liquid crystal array and rear light source – claims 31 and 36

XIII: Figures 11 and 19 – Autostereoscopic or stereoscopic viewing system with color filter barrier – claims 38-43, 45 and 47

XIV: Figure 21 – Autostereoscopic viewing system with rear projector, large screen and smaller active elements – claims 22, 29, 34-35 and 45

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify

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the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The following claim(s) appear to be generic: 16, 25-28, 32-33, 37, 47-53 and 55.

Kleinberger et al., U.S Patent No. 5,822,117 anticipate the generic claims.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the reasons listed above.

4. A telephone call was not made to applicant's representative to request an oral election to the above restriction requirement because of the complexity of the restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (703) 305-5414. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.



LAF

July 25, 2003


MARK A. ROBINSON
PRIMARY EXAMINER